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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF)	Case No.:
AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	<u>COMPLAINT</u>
S&S GENERAL)	
CONTRACTORS AN)	
EQUIPMENT RENTAL, INC.,)	
)	
Defendant.)	

Plaintiff, the United States of America, through the United States
Attorney for the District of Alaska, alleges as follows:

1. Defendant resides within the territorial jurisdiction of this
Court. Jurisdiction is conferred upon the Court under 28 U.S.C. § 1345.

Plaintiff brings this suit pursuant to the provisions of 31 U.S.C. § 3711 et seq.

2. July 22, 2015, the a Decision Approving Settlement was entered in the Civil Penalty Proceeding of the Federal Mine Safety and Health Review Commission case WEST 2015-258-M, a matter concerning Secretary of Labor, Mine Safety and Health Administration (“MSHA”), petitioner, and S&S General Contractors and Equipment Rental, Inc., respondent. The Decision Approving Settlement acknowledged and accepted a settlement agreement between MSHA and Defendant which set forth an amount of \$60,000.00 to be paid according to a payment plan arranged by the parties. See Exhibit 1, Decision Approving Settlement.

3. Defendant failed to make payments according to the terms of the settlement and notice of delinquency was sent to Defendant on September 1, 2015, by the Civil Penalty Compliance Office of the Mine Safety and Health Administration demanding payment of the outstanding settlement debt. See Exhibit 2, MSHA Delinquency Letter.

4. Defendant failed to make payment upon the settlement in response to demands for said payment and the matter was referred to the Department of Treasury for collections in May, 2016, pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. 3701 et. seq. On May 16, 2016, the Department of Treasury made demand upon Defendant for the outstanding

balance of the settlement agreement plus interest and costs. See Exhibit 3, Demand Letter, Dept. of Treasury.

5. Department of Treasury was able to recovery a portion of the debt through its collection efforts but has now referred to this office for judgment and collection the remaining unpaid balance of the obligation. As of August 20, 2020, the amounts still owed by Defendant upon the stipulated amount set forth in the Decision Approving Settlement, plus certain fees accrued, are \$10,964.24 in principal, \$3,508.56 in Debt Management Service fees, and \$447.61 in Department of Justice referral fees, as set forth in the Certificate of Indebtedness attached hereto as Exhibit 4. No interest accrues upon these amounts and no additional payments have been received since the issuance of the Certificate of Indebtedness.

WHEREFORE, Plaintiff prays:

1. For judgment against the defendant in the principal amount of \$10,964.24, and additional pre-judgment fees of \$3,956.17.

2. For post judgment interest at the rate provided by 28 U.S.C. § 1961, until the obligation is fully satisfied.

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3. For costs and disbursements incurred in this action.
4. For such other further relief that the Court may deem just and equitable.

DATED this 28th day of January, 2021, at Anchorage, Alaska.

BRYAN SCHRODER
UNITED STATES ATTORNEY

/s/ Steven E. Skrocki
ASSISTANT U.S. ATTORNEY
United States of America